



House of Representatives

General Assembly

File No. 93

January Session, 2013

Substitute House Bill No. 6462

House of Representatives, March 20, 2013

The Committee on Aging reported through REP. SERRA of the 33rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING A PILOT PROGRAM TO EXPAND THE DUTIES OF THE STATE LONG-TERM CARE OMBUDSMAN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2013*) (a) Not later than January 1,
2 2014, the Office of the Long-Term Care Ombudsman shall develop a
3 plan to expand the State Ombudsman's oversight to home and
4 community-based care recipients beginning with implementation of a
5 pilot program in Hartford County on and after July 1, 2014.

6 (b) The State Ombudsman, working in consultation with the
7 Commissioner on Aging, shall convene a working group of (1)
8 consumers receiving home and community-based care, (2) providers of
9 such care, (3) representatives of state agencies overseeing delivery of
10 such care, and (4) staff of the Office of the Long-Term Care
11 Ombudsman.

12 (c) The working group shall (1) conduct research into best practices
13 nation-wide to identify, investigate and resolve complaints filed by

14 recipients of home and community-based care, (2) develop training to
15 respond to such complaints for regional ombudsmen, and (3) identify
16 funding sources to expand oversight of the State Ombudsman from
17 long-term care facilities to home and community-based care.

18 (d) The State Ombudsman shall submit legislative
19 recommendations to implement the pilot program to the joint standing
20 committees of the General Assembly having cognizance of matters
21 relating to aging and human services not later than February 1, 2014.

22 Sec. 2. Subsection (b) of section 17b-403 of the general statutes is
23 repealed and the following is substituted in lieu thereof (*Effective July*
24 *1, 2013*):

25 (b) The State Ombudsman shall serve on a full-time basis, and shall
26 personally or through representatives of the office:

27 (1) Identify, investigate and resolve complaints that:

28 (A) Are made by, or on behalf of, residents or, as to complaints
29 involving the application for admission to a long-term care facility, by
30 or on behalf of applicants; and

31 (B) Relate to action, inaction or decisions that may adversely affect
32 the health, safety, welfare or rights of the residents, including the
33 welfare and rights of the residents with respect to the appointment and
34 activities of guardians and representative payees, of (i) providers or
35 representatives of providers of long-term care services, (ii) public
36 agencies, or (iii) health and social service agencies;

37 (2) Provide services to protect the health, safety, welfare and rights
38 of the residents;

39 (3) Inform the residents about means of obtaining services provided
40 by providers or agencies described in subparagraph (B) of subdivision
41 (1) of this subsection or services described in subdivision (2) of this
42 subsection;

43 (4) Ensure that the residents and, as to issues involving applications
44 for admission to long-term care facilities, applicants have regular and
45 timely access to the services provided through the office and that the
46 residents and complainants receive timely responses from
47 representatives of the office to complaints;

48 (5) Represent the interests of the residents, and of applicants in
49 relation to issues concerning applications to long-term care facilities,
50 before governmental agencies and seek administrative, legal and other
51 remedies to protect the health, safety, welfare and rights of the
52 residents;

53 (6) Provide administrative and technical assistance to
54 representatives to assist the representatives in participating in the
55 program;

56 (7) (A) Analyze, comment on and monitor the development and
57 implementation of federal, state and local laws, regulations, and other
58 governmental policies and actions that pertain to the health, safety,
59 welfare and rights of the residents with respect to the adequacy of
60 long-term care facilities and services in this state and to the rights of
61 applicants in relation to applications to long-term care facilities;

62 (B) Recommend any changes in such laws, regulations, policies and
63 actions as the office determines to be appropriate; and

64 (C) Facilitate public comment on the laws, regulations, policies and
65 actions;

66 (8) Advocate for:

67 (A) Any changes in federal, state and local laws, regulations and
68 other governmental policies and actions that pertain to the health,
69 safety, welfare and rights of residents with respect to the adequacy of
70 long-term care facilities and services in this state and to the health,
71 safety, welfare and rights of applicants which the State Ombudsman
72 determines to be appropriate;

73 (B) Appropriate action by groups or agencies with jurisdictional
74 authority to deal with problems affecting individual residents and the
75 general resident population and applicants in relation to issues
76 concerning applications to long-term care facilities; and

77 (C) The enactment of legislative recommendations by the General
78 Assembly and of regulatory recommendations by commissioners of
79 Connecticut state agencies;

80 (9) (A) Provide for training representatives of the office;

81 (B) Promote the development of citizen organizations to participate
82 in the program; and

83 (C) Provide technical support for the development of resident and
84 family councils to protect the well-being and rights of residents;

85 (10) Coordinate ombudsman services with the protection and
86 advocacy systems for individuals with developmental disabilities and
87 mental illnesses established under (A) Part A of the Development
88 Disabilities Assistance and Bill of Rights Act (42 USC 6001, et seq.), and
89 (B) The Protection and Advocacy for Mentally Ill Individuals Act of
90 1986 (42 USC 10801 et seq.);

91 (11) Coordinate, to the greatest extent possible, ombudsman services
92 with legal assistance provided under Section 306(a)(2)(C) of the federal
93 Older Americans Act of 1965, (42 USC 3026(a)(2)(C)) as amended from
94 time to time, through the adoption of memoranda of understanding
95 and other means;

96 (12) Provide services described in subdivisions (1) to (11), inclusive,
97 of this subsection, to residents under age sixty living in a long-term
98 care facility, if (A) a majority of the residents of the facility where the
99 younger person resides are over age sixty and (B) such services do not
100 weaken or decrease service to older individuals covered under this
101 chapter; [and]

102 (13) Implement and administer, on and after July 1, 2014, a pilot

103 program that serves home and community-based care recipients in
104 Hartford County; and

105 [(13)] (14) Carry out such other activities and duties as may be
106 required under federal law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	New section
Sec. 2	<i>July 1, 2013</i>	17b-403(b)

AGE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Office of Long-Term Care Ombudsman	GF - Potential Cost	None	26,600
Comptroller- Fringe Benefits ¹	GF - Potential Cost	None	9,190

Municipal Impact: None

Explanation

The bill may result in a cost to the Long-Term Care Ombudsman in FY 15 associated with expanding the oversight of the office to include home and community based care recipients through a pilot program in Hartford County on and after July 1, 2014. The potential cost is associated with a part-time Regional Long-Term Care Ombudsman, with an entry level salary of approximately \$26,600 (plus \$9,190 for fringe benefits).

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and any expansion of the pilot program. In addition, normal annual pension costs (currently estimated at 7.5% of payroll) attributable to the identified potential personnel changes would be recognized in the state's annual required pension contribution in future actuarial valuations.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 34.54% of payroll in FY 14 and FY 15.

Sources: Department of Administrative Services website

OLR Bill Analysis**sHB 6462*****AN ACT CONCERNING A PILOT PROGRAM TO EXPAND THE DUTIES OF THE STATE LONG-TERM CARE OMBUDSMAN.*****SUMMARY:**

This bill requires the Office of the Long-Term Care Ombudsman (OLTCO), by January 1, 2014, to develop a plan to expand the state ombudsman's oversight to include home- and community-based care recipients in addition to long-term care facility residents. The expansion must start by July 1, 2014 as a pilot program in Hartford County.

The bill also requires the state ombudsman, in consultation with the aging commissioner (who has not yet been appointed), to convene a working group of (1) home- and community-based care providers and consumers, (2) representatives of state agencies overseeing such care, and (3) OLTCO staff.

The working group must (1) conduct research on nationwide best practices for responding to abuse and neglect complaints filed by home- and community-based care recipients, (2) develop training for regional ombudsmen to respond to such complaints, and (3) identify funding sources to pay for the state ombudsman's new oversight responsibilities.

The bill requires the state ombudsman to submit legislative recommendations to implement the pilot program to the Aging and Human Services committees by February 1, 2014.

The bill also makes a conforming change.

EFFECTIVE DATE: July 1, 2013

BACKGROUND***Long-Term Care Ombudsman***

OLTCO represents the interests of residents in nursing and residential care homes and assisted living facilities. Among other things, the office receives and investigates residents' complaints about their care; provides education and information to consumers, agencies, and providers; and monitors state and federal laws and regulations. One state and eight regional ombudsmen carry out these duties, assisted by over 50 volunteers.

COMMITTEE ACTION

Aging Committee

Joint Favorable Substitute

Yea 12 Nay 0 (03/07/2013)